

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

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ROBIN JAFFE,
Plaintiff,

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

v.

*

CASE NO. 3:07cv161-mef

VINCENT OLIVIERI,
Defendant.

*
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MOTION TO REMAND

COMES NOW, The Plaintiff, Robin Jaffe, and moves this Honorable Court, to remand this case to the Lee County, Alabama Circuit Court, and as grounds therefore respectfully shows unto this Honorable Court the following:

1. The Plaintiff, Robin Jaffe, is a citizen of Alabama.
2. The Defendant, Vincent Olivieri is a citizen of Connecticut.
3. The Plaintiff filed a lawsuit against the Defendant in the Circuit Court of Lee County, Alabama, styled as Robin Jaffe v. Vincent Olivieri, CV-06-664.
4. The total damages from the above styled suit do not exceed \$74,000 (Seventy-four thousand dollars).
5. The Defendant removed this case to this Honorable Court without "prov[ing] by a preponderance of the evidence that the amount in controversy exceeds the jurisdictional requirement." Miedema v. Maytag

Corp., 450 F.3d 1322, 1330 (11th Cir. 2006) *citing* Williams v. Best Buy Co., Inc., 269 F.3d 1316, 1319 (11th Cir. 2001)

6. The Plaintiff seeks remand of this case based upon 28 U.S.C. § 1447(c).
7. Upon the filing of this Motion to Remand, the Plaintiff has given written notice thereof to the attorneys for the Plaintiff and has filed a copy of the proceedings and notice with the Circuit Court of Lee County, Alabama, all in accordance with the law.

WHEREFORE, the Plaintiff, Robin Jaffe prays upon this Honorable Court to grant the Plaintiff's motion to remand this case back to the Circuit Court of Lee County, Alabama, and for any such further relief the cause of justice may requires.

Respectfully submitted this the 12th day of March, 2007,

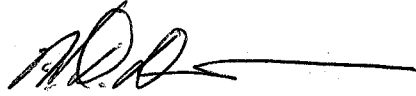
WHITTELSEY, WHITTELSEY & POOLE, P.C.



W. David Dawson
Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the attorneys for the defendants, Phillip E. Adams, Esq. and Michael E. Short by hand delivering a copy or by placing it in the United State mail, postage prepaid, to the correct address of Adams, Umbach, Davidson, & White, LLP, Post Office Box 2069 Opelika, Alabama 36803-2069 on this the 12th day of March, 2007.

A handwritten signature in black ink, appearing to read 'W.D. Dawson', followed by a horizontal line.

W. DAVID DAWSON